IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 25571 of 2006(T)

PETITIONER:

T.K.LAKSHMI, AGED 78 YEARS,
(RETIRED TEACHER, W/O.LATE VASU,
"VASUDEV" DHARMADAM VIA, THALASSERY.

BY ADV. SRI.RAJAN P.KALIYATH

RESPONDENTS:

1. STATE OF KERALA, REP. BY THE
SECRETARY, LOCAL SELF ADMINISTRATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. SECRETARY, MUNICIPAL COUNCIL,
THALASSERY.

3. MR.RAJESH, S/O.KANARI,
ASHOKA HOTEL, NEAR OLD BUS STAND,
THALASSERY.

4. MR.BALAKRISHNAN, OWNER, SEVEN HEAVEN
BAKERY, NEAR OLD BUS STAND, THALASSERY.

BY ADV. SRI.I.V.PRAMOD
SRI.C.P.PEETHAMBARAN
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.ANIL GEORGE
SRI.O.V.MANIPRASAD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 25571 OF 2006

Dated this the 7th day of September, 2007

JUDGMENT

An adjournment is sought for on behalf of the counsel for the petitioner. But, as rightly submitted by the learned Government Pleader, Ext.P6 order is only a provisional order issued under Section 406(1). The case of the petitioner is that it was not he, but it was the 3rd respondent who put up the objectionable constructions. The 3rd respondent in his counter affidavit has stated that he is ready and willing to remove the unauthorised constructions. At any rate, Ext.P6 which is under challenge is a provisional order and it is for the Municipality to finalise Ext.P6.

Accordingly, the Writ Petition is disposed of directing the Municipality to finalise the proceedings covered by Ext.P6 with notice to the petitioner and the 3rd respondent. Till such time as final orders are passed pursuant to Ext.P6 by the Municipality, no coercive action will be initiated against the petitioner.

PIUS C. KURIAKOSE, JUDGE

btt